

WILLIAM F. FEENEY  
January 10, 2005

Page 1

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF MASSACHUSETTS  
3                   C.A. NO. 04CV10746JLT

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5 \* \* \* \* \*

6     IVAN SANTIAGO,

\*

7                   Plaintiff

\*

8     vs.

\*

9     WILLIAM J. FEENEY, MARCUS  
10    EDDINGS, AND THE CITY OF BOSTON,

\*

11                  Defendants

\*

12 \* \* \* \* \*

13  
14                  DEPOSITION OF WILLIAM F. FEENEY

15                  HRONES & GARRITY

16                  Lewis Wharf Bay, Suite 232  
17                  Boston, Massachusetts

18                  January 10, 2005      10:05 a.m.

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24

Maryellen Coughlin

Registered Professional Reporter

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1	APPEARANCES:	1	INDEX
2		2	
3	Representing the Plaintiff:	3	WITNESS: WILLIAM F. FEENEY
4	HRONES & GARRITY	4	
5	Lewis Wharf Bay, Suite 232	5	EXAMINATION:
6	Boston, Massachusetts 02110	6	MR. HRONES
7	BY: Stephen Hrones, Esq.	7	
8	(617) 227-4019	8	
9		9	
10	Representing the Defendants:	10	
11	City of Boston	11	EXHIBITS FOR IDENTIFICATION:
12	Law Department	12	No. Description Page
13	City Hall, Room 615	13	None
14	Boston, Massachusetts 02201	14	
15	BY: Stephen G. Cox, Esq.	15	
16	(617) 635-4064 (617) 635-3199	16	
17		17	
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21		21	
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23		23	
24		24	
	Page 4		Page 5
1	PROCEEDINGS	1	Q. Where do you live?
2		2	A. Excuse me.
3	MR. HRONES: The usual	3	Q. Where do you live?
4	stipulations?	4	MR. COX: Well, home address is --
5	MR. COX: Yes.	5	Q. No, the town or -- do you live in
6	MR. HRONES: All objections saved	6	the City of Boston?
7	until the time of trial except motions to strike.	7	A. No, I don't.
8	MR. COX: And form.	8	MR. COX: Business address.
9	MR. HRONES: And form. Does he	9	Q. Okay. What's your profession?
10	want to read and sign?	10	A. I'm a police officer and a sergeant
11	MR. COX: Yes.	11	detective.
12	MR. HRONES: Waive the notary?	12	Q. And how long have you been a police
13	MR. COX: Correct. Can we have 45	13	officer?
14	days?	14	A. A little over 16 years.
15	MR. HRONES: Fine.	15	Q. And when were you born?
16		16	A. 3/26/1958.
17	WILLIAM F. FEENEY,	17	Q. And where were you born?
18	having been first duly sworn, was examined	18	A. In Boston.
19	and testified as follows:	19	Q. Where did you go to high school?
20		20	A. Charlestown High.
21	EXAMINATION	21	Q. You graduated?
22	BY MR. HRONES:	22	A. I did.
23	Q. What is your name, please?	23	Q. And what did you do upon
24	A. William J. Feeney.	24	graduation?

2 (Pages 2 to 5)

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<p style="text-align: right;">Page 6</p> <p>1 A. I went into the electrical field as 2 an electrician apprentice. 3 Q. Right out of high school? 4 A. Yes. 5 Q. And how long were you in that 6 field? 7 A. A short time. I don't recall. 8 Q. And then what did you do? 9 A. I was an auto mechanic for a while. 10 Q. How long was that? 11 A. About six or eight years. 12 Q. And then what did you do? 13 A. I was unemployed for a short period 14 of time. 15 Q. Like a year? 16 A. I don't recall how long. I went to 17 work for the medical examiner's office for six 18 years and then became a police officer in 1988. 19 Q. Are you married? 20 A. I am. 21 Q. Children? 22 A. Two. 23 Q. And what is your position now with 24 the police department?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. I'm a sergeant detective. 2 Q. In what area? 3 A. Area E-13. I'm assigned to the 4 drug unit in Area E-13, in Jamaica Plain. 5 Q. How long have you been assigned to 6 that unit? 7 A. I've been with the drug unit since 8 2000. I've been assigned over to Area E-13 since 9 May of 2004. 10 Q. And where were you before that? 11 A. Area B-2, in Roxbury. 12 Q. How long were you there? 13 A. About two and a half years. 14 Q. And before that? 15 A. I was a uniform sergeant in Area 16 B-2 for two years. 17 Q. Not in the drug squad? 18 A. Not in the drug squad, no. 19 Q. Have you ever been sued before? 20 A. Yes, I have. 21 Q. When was that? 22 A. I don't recall. 23 Q. Before this case? You were sued 24 before?</p>
<p style="text-align: right;">Page 8</p> <p>1 A. Yes. 2 Q. How many times? 3 A. Maybe once or twice. At least 4 twice. 5 Q. In federal court? 6 A. One case went to federal court, 7 yes. 8 Q. Did it go to trial? 9 A. No, it didn't. 10 Q. Did it settle out? 11 A. I never was apprised of what the 12 result was. 13 Q. What was that case about? 14 A. It was the result of an alleged 15 assault and battery while making an arrest. 16 Q. And who was the complainant in that 17 case? 18 A. It's been so long I can't remember 19 the name. 20 Q. You're talking what, ten years ago 21 or -- 22 A. At least ten years ago, yeah. 23 Q. Who was the lawyer for the 24 complainant?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Again, I don't recall. I couldn't 2 even tell you who the city attorney was. 3 Q. And there was another case, too, 4 other than that? 5 A. Yes. 6 Q. And what case was that? 7 A. It was as a result of a motor 8 vehicle accident. 9 Q. Someone was injured and they sued 10 the department? 11 A. They were alleging they were 12 injured, yes. 13 Q. You were in a cruiser and you were 14 in an accident? 15 A. That's correct. 16 Q. And is that over now, too? 17 A. Yes, it is. 18 Q. Was that settled, too? 19 A. Again, I wasn't apprised of what 20 the disposition was. 21 Q. But it didn't go to trial? 22 A. No, it didn't. 23 Q. Have you been complained against by 24 citizens?</p>

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<p>1 A. Yes, I have.</p> <p>2 Q. How many times?</p> <p>3 A. I don't recall.</p> <p>4 Q. The federal court case, the alleged excessive use of force, was that a case that also resulted in an internal affairs investigation?</p> <p>5 A. No, there was never an internal affairs complaint made on that.</p> <p>6 Q. Have you ever had any complaint sustained against you?</p> <p>7 A. One.</p> <p>8 Q. This one or another one?</p> <p>9 A. This one.</p> <p>10 Q. This is the first one that's ever been sustained?</p> <p>11 A. That's correct.</p> <p>12 Q. And what do you understand the basis for the sustaining of that? What is the allegation that you did wrong?</p> <p>13 A. The part of the complaint that was sustained was that as a result of a strip search that was made and it wasn't entered into the police report. It was a violation of rules and regulations.</p>	<p style="text-align: right;">Page 10</p> <p>1 Q. It's suppose to be in the police report if you do a strip search?</p> <p>2 A. That's correct.</p> <p>3 Q. What says that? The regulation says that?</p> <p>4 A. The rule and regulation, yes.</p> <p>5 Q. Relative to strip search? It's within that rule and regulation?</p> <p>6 A. That's correct.</p> <p>7 Q. And why wasn't it in the police report in this case?</p> <p>8 A. The officer that wrote the report apparently forgot to put it in.</p> <p>9 Q. So why did they blame you if the officer didn't put it in that wrote the report?</p> <p>10 A. I was the supervisor that was supervising that officer that particular day.</p> <p>11 Q. And so you review the report?</p> <p>12 A. No, I didn't review the report, no.</p> <p>13 Q. You didn't sign off on it?</p> <p>14 A. No, I did not.</p> <p>15 Q. So you didn't review the report and they still held you responsible?</p> <p>16 A. That's correct.</p>
<p>1 Q. So what are they saying you should have done, read the report?</p> <p>2 A. They said it was my responsibility to ensure that the incident was documented in the report.</p> <p>3 Q. And is that on appeal, are you appealing the --</p> <p>4 A. I'm appealing the decision, yes.</p> <p>5 Q. And where does that stand now?</p> <p>6 A. It's in the process of being appealed.</p> <p>7 Q. And that takes quite a while, though, right?</p> <p>8 A. It does.</p> <p>9 Q. What was the penalty assessed against you?</p> <p>10 A. A two-day suspension.</p> <p>11 Q. Did you do the two days?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Now, prior to this strip search, had your unit not indicated when there was strip searches in police reports?</p> <p>14 A. I don't know.</p> <p>15 Q. I'll rephrase that. Was it a</p>	<p style="text-align: right;">Page 11</p> <p>1 practice not to put that there was a strip search in police reports before this incident?</p> <p>2 A. I don't quite understand that question.</p> <p>3 Q. Okay. Were you aware of the regulation before this incident that required you to indicate in the police report if there were a strip search?</p> <p>4 A. It was never directly brought to my attention, and if I had read it, I may have forgot about it.</p> <p>5 Q. So in strip searches prior to this incident, were they indicated in police reports?</p> <p>6 A. I don't know if it was specifically dictated that strip searches were done.</p> <p>7 Q. What I'm getting at is, was this just an isolated incident where it wasn't put in the police report or was it a situation where strip searches were not noted in the police reports for one reason or another, either because people didn't know about the regulation or whatever?</p> <p>8 A. I think perhaps maybe that in a lot of cases strip searches weren't put in police</p>

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<p style="text-align: right;">Page 14</p> <p>1 reports because they were not aware of that one 2 paragraph down at the bottom of the rule and 3 regulation.</p> <p>4 Q. Are they now being put in all 5 police reports, as far as you know?</p> <p>6 A. As far as I know, yes. With 7 respect to my squad. I can't say what the rest 8 of the drug unit is doing.</p> <p>9 Q. And you head up a squad?</p> <p>10 A. I do.</p> <p>11 Q. Of how many men?</p> <p>12 A. One detective and four officers.</p> <p>13 Q. And did you inform them all very 14 clearly that they had to put it in the police 15 report?</p> <p>16 A. After this incident, I informed my 17 old squad, and when I took over as the new boss 18 in District 13, I informed them also.</p> <p>19 Q. And who's your boss now?</p> <p>20 A. The Lieutenant detective in charge 21 of the drug unit, Stephen Meade.</p> <p>22 Q. Were you involved in a search on 23 Cheney Street on March 20th of 2003?</p> <p>24 A. Yes, I was.</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. In what capacity?</p> <p>2 A. I was the supervisor in charge.</p> <p>3 Q. Did you head a drug unit at that 4 point?</p> <p>5 A. I was in charge of one of the two 6 squads at Area B-2 at that time, yes.</p> <p>7 Q. And were both squads involved in 8 that?</p> <p>9 A. Members of both squads were 10 involved, yes.</p> <p>11 Q. But you were in charge?</p> <p>12 A. That's correct.</p> <p>13 Q. And why is that, as opposed to the 14 person that was the head of the other squad?</p> <p>15 A. He was unavailable at the time.</p> <p>16 Q. What was his name?</p> <p>17 A. Sergeant Detective Linskey.</p> <p>18 Q. So he wasn't in on that search?</p> <p>19 A. No, he wasn't.</p> <p>20 Q. Even though he was listed as being 21 in on the search?</p> <p>22 A. I don't know if he was listed as 23 being on the search. I know that his name did 24 appear on one piece of paper, which is common</p>
<p style="text-align: right;">Page 16</p> <p>1 because we prepare certain documents with 2 everybody's name on them when we're doing joint 3 investigations or joint search warrants, and it 4 appears that his name wasn't taken off it.</p> <p>5 Q. And what document was his name on?</p> <p>6 A. It's what we call a white sheet 7 which documents all the individuals present as 8 well as any drugs that are seized and any 9 defendants that are arrested.</p> <p>10 Q. His name was on that white sheet?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. Now, were you involved in the 13 investigation leading up to the search?</p> <p>14 A. No, I wasn't.</p> <p>15 Q. Who conducted that?</p> <p>16 A. The applicant on the search warrant 17 was Officer Paul Quinn.</p> <p>18 Q. And he was within your unit or the 19 other unit?</p> <p>20 A. He was in the other squad of B-2.</p> <p>21 Q. So the other squad did most of the 22 preparatory work?</p> <p>23 A. That's correct.</p> <p>24 Q. But you were present when the entry</p>	<p style="text-align: right;">Page 17</p> <p>1 was made?</p> <p>2 A. That's correct.</p> <p>3 Q. And where did you enter the 4 apartment?</p> <p>5 A. We all entered in through the same 6 door, the front door of the apartment.</p> <p>7 Q. Everyone came in the front?</p> <p>8 A. That's correct.</p> <p>9 Q. Didn't someone go around to the 10 back?</p> <p>11 A. We, as a group, made an entry. We 12 came in through the back of the building, and we 13 entered in through the rear common hallway door 14 in the back of the building which then brought us 15 up to the front door of the apartment.</p> <p>16 Q. Was it a surprise entry?</p> <p>17 A. No, they saw us coming. We were 18 making our way into the common hallway.</p> <p>19 Q. Did you hear anyone yell out?</p> <p>20 A. I heard some yelling coming. I 21 couldn't distinguish what it was, but somebody 22 further on up the line stated that they're 23 yelling were coming, the police are coming, 50 is 24 coming.</p>

5 (Pages 14 to 17)

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	Page 18	
1	Q. What does 50 mean?	1 warrant?
2	A. 50 is street slang for police.	2 A. Rolando Lugo.
3	Q. By people on the street?	3 Q. Was he in there?
4	A. That's correct.	4 A. Yes, he was.
5	Q. Do you know the origins of that,	5 Q. Did the officers know who he was
6	why they say 50?	6 when they entered?
7	A. Some people I've talked to said it	7 A. Officer Quinn knew who he was, yes.
8	goes back to the old days of the TV show Hawaii	8 Q. Had he made a buy from him himself?
9	50.	9 A. I'm not familiar with the
10	Q. What did you do when you went in	10 circumstances surrounding the investigation.
11	the apartment?	11 Q. So what did you do?
12	A. As I went into the apartment, other	12 A. As we do in all search warrants we
13	officers were in there ahead of me. They started	13 had everybody brought into the living room till
14	sweeping the apartment for individuals in the	14 we made sure everybody was secured.
15	apartment. I observed one individual seated on	15 Q. I'm not interested in all search
16	the couch in the living room. There was another	16 warrants. I'm saying in this case.
17	one that was just starting to exit from a	17 A. Everybody was brought into the
18	doorway, which appeared to be a bedroom right off	18 living room.
19	the living room, and then there was a female	19 Q. By you?
20	which was -- I believe she was either in the	20 A. No, by anybody that found an
21	kitchen or right near the kitchen, the hallway,	21 individual in the apartment.
22	and where there was a small juvenile child that	22 Q. But what did you do specifically?
23	was also in the apartment.	23 A. I just stood there at the time
24	Q. Who was the subject of the search	24 because I had nothing to do, except supervise.
	Page 20	
1	Q. And did you have any conversation	1 search, don't you, when you have a matron search
2	with the woman?	2 a female? Don't you inquire as to the nature of
3	A. No.	3 the search?
4	Q. Was she searched?	4 A. No.
5	A. She was searched, yes.	5 Q. Because you would have to put that
6	Q. By whom?	6 in your report as the supervisor.
7	A. A female officer.	7 A. Well, if I told her to strip search
8	Q. And what type of search?	8 her, then I'd know it was a strip search. I just
9	A. When the female officer came to the	9 asked her to search her, that's all I asked her
10	apartment, I just asked that she search her. She	10 to do.
11	took her into another room and searched her.	11 Q. And so you assumed she didn't strip
12	Q. Was it a strip search?	12 search?
13	A. I wasn't in there. I don't know.	13 A. I assumed she didn't, no.
14	Q. Well, didn't you ask her whether it	14 Q. Because if you want a strip search
15	was?	15 you specifically indicate that?
16	A. I asked her to search her. She	16 A. I would have indicated it to her,
17	came back and told me she didn't have anything on	17 yes.
18	her. I didn't ask whether she strip searched her	18 Q. What about Lugo, was he searched?
19	or whether she just patted her down.	19 A. Yes, he was.
20	Q. But if she had stripped searched	20 Q. Initially what type of search was
21	her, you would have had to put that in the	21 done of him?
22	report?	22 A. Initially he had retrieved drugs
23	A. That's correct.	23 from the back of his pants area, from between his
24	Q. So now you ask the nature of the	24 buttocks.

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<p style="text-align: right;">Page 22</p> <p>1 Q. Was that before any search was done 2 of him? 3 A. Yes, correct. 4 Q. Had he been frisked before that? 5 A. Yes, he had been. 6 Q. For weapons? 7 A. Yes, he had been. 8 Q. And then before there was any 9 further search, he pulled something out? 10 A. While Officer Quinn and Broderick 11 were having a conversation with him, he 12 volunteered that he had drugs on him, and we 13 asked where they were, and he indicated that they 14 were down his pants. I can't remember ex -- I 15 think his exact phrase was in my ass, or 16 something like that, but then he was 17 unhandcuffed, and he loosened his pants up a bit, 18 and he reached down the back of his pants with 19 one hand and retrieved a plastic bag. 20 Q. Do you know where he retrieved it 21 from? 22 A. From inside his pants. 23 Q. Now, is that general procedure, to 24 allow the individual to pull the drugs out,</p>	<p style="text-align: right;">Page 23</p> <p>1 rather than the officer doing the search, doing 2 it? 3 A. Well, he had already been searched 4 for weapons, so we were going to allow him to 5 grab the drugs. 6 Q. And where did he say he was getting 7 them from? 8 A. He said he had them down the back 9 of his pants. 10 Q. Did he mention his rear end? 11 A. I think I just said he said he had 12 them in his -- I can't remember his exact words, 13 but I think there was something like I got them 14 in my ass, or something like that. 15 Q. Now, was any further search made of 16 him? 17 A. He was further searched back at 18 Area B-2, I believe. 19 Q. But at the apartment? 20 A. No. 21 Q. He wasn't strip searched? 22 A. Lugo at the scene, no, I don't 23 believe so. 24 Q. Why wasn't he strip searched?</p>
<p style="text-align: right;">Page 24</p> <p>1 A. Because he was under arrest. He 2 was being taken back to the district. 3 Q. So if they're under arrest, you 4 don't strip search them? 5 A. Most commonly they're searched back 6 at the district. 7 Q. Was he strip searched back at the 8 district? 9 A. I wasn't there. I don't know. 10 Q. So is that your policy, then, if 11 you arrest someone you don't strip search them at 12 the scene? 13 A. First of all, it depends on what 14 they're being arrested for. Second of all, if 15 they're being arrested, just to expedite matters 16 we'll get them down to the station and get them 17 searched down at the station once we're sure that 18 they have no weapons on them. 19 Q. How do you know they're not going 20 to throw something away after they've been 21 arrested on the way to the station? 22 A. Well, they're handcuffed when 23 they're brought to the station. The cruisers are 24 checked. The vehicle that's being used to</p>	<p style="text-align: right;">Page 25</p> <p>1 transport them is checked to make sure there's no 2 drugs in it, no contraband. Then once they're 3 taken out at the station, then again they check 4 the vehicle to make sure that nothing has been 5 dropped in the vehicle. 6 Q. Now, was there a third individual 7 in the apartment? 8 A. Yes, Ivan Santiago. 9 Q. And you saw him? 10 A. I did. 11 Q. And was he handcuffed when you came 12 in? 13 A. Yes, he was. He was in the process 14 of being handcuffed. 15 Q. And is everyone in the apartment 16 that's being searched handcuffed? 17 A. Initially, until we got everybody 18 secured and straightened out, who is who, 19 everybody is handcuffed. 20 Q. Did you have any conversation with 21 him? 22 A. No. 23 Q. Was there any indication in the 24 affidavit to the warrant that he was involved in</p>

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<p>1 the drug dealing?</p> <p>2 A. I never read the affidavit. All I 3 read was the warrant that morning before we went 4 out to execute the search. The warrant had 5 already been obtained. The affidavit had already 6 been approved by another supervisor, and I didn't 7 read it.</p> <p>8 Q. What about the warrant, did that 9 indicate that the main subject was Lugo?</p> <p>10 A. To the best of my recollection, the 11 warrant indicated that the main target was 12 Rolando Lugo.</p> <p>13 Q. And before you went in, you knew 14 the target was Lugo, did you not?</p> <p>15 A. I knew one of the targets was Lugo, 16 yes.</p> <p>17 Q. Who were the other targets?</p> <p>18 A. Well, it's always up for grabs when 19 you go into a crack house or someplace where 20 drugs are being sold as to who's actually 21 involved in the distribution or the sales.</p> <p>22 Q. Yeah, but no one else specifically 23 was mentioned?</p> <p>24 A. No one else specifically was</p>	<p>Page 26</p> <p>1 mentioned in the warrant.</p> <p>2 Q. Now, was Santiago frisked?</p> <p>3 A. After he was handcuffed, he was 4 frisked, yes.</p> <p>5 Q. So is that normal procedure, to 6 frisk everybody in the apartment, you know, 7 regardless of whether there's any indication that 8 they're involved?</p> <p>9 A. That's correct.</p> <p>10 Q. Now, was he searched beyond the 11 frisk? In other words, a frisk is just a pat 12 down, is it not?</p> <p>13 A. That's correct.</p> <p>14 Q. The next stage in the search would 15 be going into pockets, would it not?</p> <p>16 A. That's correct.</p> <p>17 Q. Now, was he searched beyond the 18 frisk before being taken into that room?</p> <p>19 A. Being taken into what room?</p> <p>20 Q. The bathroom.</p> <p>21 A. I don't know if he was searched 22 prior to being taken into the bathroom.</p> <p>23 Q. Do you have authority to search a 24 person who happens to be in a place where you</p>
<p>1 have authority to conduct a search? Let me 2 strike that.</p> <p>3 Do you believe you have authority 4 to go beyond a frisk of any individual in an 5 apartment that's being searched, regardless of 6 whether there's probable cause as to that 7 particular individual?</p> <p>8 A. Certainly if we have, it indicated 9 on a search warrant, when we're executing a 10 search warrant, that we can search any and all 11 persons present, then we will search any and all 12 persons present, because the interpretation is 13 that probable cause exists to get the search 14 warrant for the apartment and that transfers over 15 to probable cause to search anybody for drugs. It's included in the scope of the search as far as we're concerned because you have, any and all persons present, you can search them and any drugs can be hidden.</p> <p>20 Q. You've been taught that you can 21 search anybody in an apartment beyond a frisk 22 even though you have no specific information that 23 that person is involved in drug dealing?</p> <p>24 A. Past practice has been that when</p>	<p>Page 28</p> <p>1 you have a search warrant that indicates any and 2 all persons present can be searched, then we 3 search any and all persons present.</p> <p>4 Q. And is that still the policy today?</p> <p>5 A. To the best of my recollection, it 6 might be. I haven't seen any orders or rules and 7 regulations stating differently, that I can 8 recall.</p> <p>9 Q. What if there are children in the 10 apartment?</p> <p>11 A. Most of the time children aren't 12 searched, unless we have some kind of specific 13 information that they're putting drugs in their 14 diaper or they're holding the drugs.</p> <p>15 Q. Why aren't the children searched?</p> <p>16 A. Because most times people don't put 17 drugs on the children, but sometimes they do.</p> <p>18 Q. Are you familiar with the supreme 19 court case, the Yebba case, relative to, you 20 know, whether or not a search can be conducted of 21 everyone in an apartment when you have a search 22 warrant to go in there?</p> <p>23 A. I don't think I am.</p> <p>24 Q. So it's your position that if the</p>

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<p style="text-align: right;">Page 30</p> <p>1 warrant says we can search everyone in the 2 apartment that gives you authority to search 3 anybody in the apartment without having any 4 specific knowledge of involvement by that person?</p> <p>5 A. That's what the past practice has 6 been, yes.</p> <p>7 Q. And it's the present practice 8 today, too?</p> <p>9 A. Unless -- I mean -- again, I can't 10 remember reading a --</p> <p>11 Q. Okay. Let's say you go into an 12 apartment, and you're after a, you know, one 13 person who is an alleged drug dealer, and you see 14 another adult you know nothing about, just 15 sitting in the apartment, it's your position that 16 you have the authority to search that person to 17 the extent that you go in their pockets?</p> <p>18 A. If the warrant indicates that we 19 can search any and all persons present, yes.</p> <p>20 Q. And you don't need further probable 21 cause? Once that warrant says you can search 22 everyone, you don't have to have any additional 23 probable cause?</p> <p>24 A. Well, based on the affidavit that</p>	<p style="text-align: right;">Page 31</p> <p>1 accompanies the application for the search 2 warrant, having a neutral and detached party, be 3 it either a clerk magistrate or a judge, reading 4 that application and reading the accompanying 5 affidavit, if they choose to decide that there's 6 probable cause to search any and all persons 7 present that are in the apartment when we execute 8 the warrant, then we feel that they've authorized 9 us to search them.</p> <p>10 Q. And that's almost invariably the 11 case when you get a warrant for the search of an 12 apartment, that the magistrate gives you 13 authority to search any and all persons there, is 14 that the case?</p> <p>15 A. No, some don't.</p> <p>16 Q. But most of them do, don't they?</p> <p>17 A. I would say maybe a good percentage 18 of them do.</p> <p>19 Q. Well, do you ask for that authority 20 or the magistrate just checks that off if he 21 wants?</p> <p>22 A. Sometimes the officers will request 23 it. Sometimes he'll ask the officer if they want 24 to search any and all persons present.</p>
<p style="text-align: right;">Page 32</p> <p>1 Q. Now, what about a strip search, do 2 you believe that warrant gives you authority to 3 strip search anyone who's in the apartment, 4 regardless of whether you have any basis to 5 believe they're involved in the drug dealing?</p> <p>6 A. Well, again, it depends on the 7 circumstances there. I mean, in this particular 8 case, Mr. Lugo had drugs secreted down the back 9 of his pants, in between the cheek of his 10 buttocks. It wouldn't be uncommon for somebody 11 else that was involved in it to have drugs 12 secreted in the same place.</p> <p>13 Q. But my question was, without any 14 other factors coming into play as to the specific 15 evidence, do you believe that that search warrant 16 that says search any and all people authorizes a 17 strip search, apart from any other factors?</p> <p>18 A. It's taken on a case-by-case 19 individual basis.</p> <p>20 Q. But it says, does it not, search 21 any and all persons, so you're saying that 22 doesn't give you authority to strip search 23 everyone in the apartment without having more, or 24 do you think that gives you authority to strip</p>	<p style="text-align: right;">Page 33</p> <p>1 search everybody?</p> <p>2 A. Well, it's kind of a two-part 3 question.</p> <p>4 Q. Okay, let me make it clear. Is it 5 your position that a warrant that says you can 6 search any and all persons found in the apartment 7 gives you authority, if you want, to strip search 8 anyone in that apartment?</p> <p>9 A. No.</p> <p>10 Q. So you believe as to strip search, 11 as opposed to an ordinary search, putting your 12 hands in a pocket, you need something more than 13 the warrant authorizing a search of everybody?</p> <p>14 A. Again, it's on a case-by-case 15 basis, depending upon how the officers feel after 16 talking to the individual that they're searching, 17 as to whether we strip search them or not.</p> <p>18 Q. But my question was once again, is 19 it your position that a search warrant that 20 allows you to search any and all persons allows 21 you to strip search anyone there if you want, 22 without any other factors?</p> <p>23 A. No.</p> <p>24 Q. It doesn't?</p>

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<p>1 A. No.</p> <p>2 Q. So you need something else in order 3 to do a strip search?</p> <p>4 A. That's correct.</p> <p>5 Q. And why do you say that?</p> <p>6 A. Again --</p> <p>7 Q. Why do you say you need something 8 more?</p> <p>9 A. Well, a strip search is certainly 10 more of an intrusive action towards somebody. 11 And, again, if we have a search warrant that says 12 any and all persons present, we usually search 13 any and all persons present. We also have a 14 conversation with the individuals. If the 15 officer feels that they may be concealing 16 something else on them that they can't detect 17 through going through their pockets, then a strip 18 search will be done.</p> <p>19 Q. Did you authorize a strip search in 20 this case?</p> <p>21 A. I told Officer Eddings to take 22 Mr. Santiago into the bathroom and search him.</p> <p>23 Q. Did you intend that he do a strip 24 search?</p>	<p style="text-align: right;">Page 34</p> <p>1 A. I thought he was going to, yes.</p> <p>2 Q. And what was the basis for your 3 ordering him to do a strip search?</p> <p>4 A. Again, we found drugs in the 5 apartment. We found drugs on the person, 6 Mr. Lugo, concealed in an area that wouldn't be 7 detected normally by doing a regular search.</p> <p>8 Q. Did you have any evidence, other 9 than what you just mentioned, to suggest Santiago 10 was involved in drug dealing?</p> <p>11 A. I didn't know at that time. I 12 hadn't read the affidavit, as I said. The only 13 one that was specifically named in the warrant 14 was Mr. Lugo.</p> <p>15 Q. And you've read it since, haven't 16 you?</p> <p>17 A. The affidavit or the application?</p> <p>18 Q. Yes.</p> <p>19 A. No, I haven't read the application, 20 no.</p> <p>21 Q. But the affidavit you've read?</p> <p>22 A. The affidavit, no, I haven't.</p> <p>23 Q. So you authorized a strip search 24 solely on the basis that Lugo had said I have</p>
<p>1 stuff in my ass and took it out, is that right?</p> <p>2 A. I felt that Santiago could have 3 drugs secreted somewhere on his body that 4 wouldn't be detected by a normal search.</p> <p>5 Q. But you certainly didn't have 6 probable cause to believe he had drugs secreted 7 in a way that only a strip search would reveal 8 them, did you?</p> <p>9 A. Well, we had probable cause to 10 search any and all persons present on the 11 premises when we entered.</p> <p>12 Q. I'm saying this specific 13 individual. You had probable cause to enter the 14 apartment, right --</p> <p>15 A. That's right.</p> <p>16 Q. -- to search for drugs. My 17 question is, you didn't have specific probable 18 cause to believe that Santiago had drugs secreted 19 in such a way that you had to do a strip search, 20 did you?</p> <p>21 A. We didn't have any firsthand 22 knowledge of it, no.</p> <p>23 Q. But you had a suspicion that he 24 might because the other guy had it?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I felt there was a good probability 2 he did, yes.</p> <p>3 Q. Why did you figure there was a good 4 probability that Santiago had it up his rear end 5 if Lugo did?</p> <p>6 A. A lot of times, and not every time, 7 but a lot of times when we go into these 8 locations there's more than one person that's in 9 the apartment that's involved in the 10 distribution, involved in the sale of drugs from 11 those locations or they have other people holding 12 the drugs for them.</p> <p>13 Q. Well, do you believe that a strip 14 search is an extreme invasion of a person's 15 privacy?</p> <p>16 A. It is to a certain extent an 17 invasion of privacy, yes.</p> <p>18 Q. Now, were you present when the 19 search was going on in the bathroom?</p> <p>20 A. I was present in the apartment.</p> <p>21 Q. Were you standing outside the door?</p> <p>22 A. No, I wasn't.</p> <p>23 Q. Was there another officer standing 24 outside the door?</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. I believe there was, yes.      2 Q. And was the door open or closed, if      3 you know?      4 A. I'm not sure. I think it may have      5 been shut, but I can't be certain.      6 Q. Was it suppose to be shut or not?      7 A. It depends on the officer's      8 preference. Some will leave it open just a      9 little bit in case anything happens inside the      10 bathroom, other officers can assist them, others,      11 you know, prefer to close it.      12 Q. Have you done strip searches      13 yourself?      14 A. Yes, I have.      15 Q. Outside of the police station?      16 A. What do you mean outside of the      17 police station?      18 Q. Well, have you done strip searches      19 in the police station when you're booking      20 somebody?      21 A. Yes, I have.      22 Q. Have you done some in apartments      23 where you're searching the apartment?      24 A. Yes, I have.</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Has there been any change at all in      2 whether, on the issue of whether or not you do a      3 strip search since this suit, since the complaint      4 was made to the IAD about the search in this      5 case?      6 A. Not that I recall seeing in a rule      7 and regulation.      8 Q. So under the same circumstances --      9 no, I'm talking as a practical matter. Now,      10 under the same circumstances as in this case, you      11 would still strip search someone like Santiago,      12 under the facts of this case?      13 A. Again, it all depends. On a      14 case-by-case basis.      15 Q. But assume exactly the same facts      16 as this, you know, you go in, you have a search      17 warrant that indicates one person is selling the      18 drugs and that person takes some out from his      19 rear end. Under that factual scenario, if that      20 occurs today, would you still strip search a      21 third party like Santiago was in this case?      22 A. If everything was the same as when      23 we entered into the apartment, all the facts were      24 the same, probably, yes.</p>
<p style="text-align: right;">Page 40</p> <p>1 Q. Now, you're familiar with the      2 policy, the strip search policy of the City of      3 Boston, are you not?      4 A. I am.      5 Q. Do you believe there is any      6 ambiguity in that regulation or do you find it      7 absolutely clear as to exactly what authority you      8 have to strip search outside of the police      9 station?      10 A. I think it is pretty clear.      11 Q. What about if you don't have a      12 warrant but you arrest someone in the street, but      13 you don't arrest them in the street, you just are      14 frisking them without making an arrest, do you      15 believe you can strip search under those      16 circumstances?      17 MR. COX: Objection.      18 A. It depends on the circumstances      19 surrounding the stop. I mean, if you're stopping      20 somebody and you're frisking them prior to      21 conducting an interview or you have suspicion      22 that they may be armed with a weapon, that's one      23 thing. Certainly you wouldn't be strip searching      24 them. If you have the probable cause to believe,</p>	<p style="text-align: right;">Page 41</p> <p>1 based on the investigation that you're doing,      2 that this individual has drugs on him and has      3 been known to in the past or has secreted drugs      4 other than in his pockets, then I would strip      5 search him, yes.      6 Q. Outside of an apartment? I mean in      7 a situation where you didn't have a warrant?      8 A. Correct.      9 Q. You've done that in the past?      10 A. Yes, we have.      11 Q. Is that still being done today?      12 A. It was an isolated incident that I      13 was involved in, and we made a search. I haven't      14 run into that situation again on the street.      15 Q. But you did do one on the street?      16 A. I did, yes.      17 Q. Recently?      18 A. A couple of years ago.      19 Q. Was the name of that person Lacey?      20 A. That's correct.      21 Q. Were you involved in that search?      22 A. I was.      23 Q. Did you order it?      24 A. I authorized it.</p>

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<p>1 Q. But you didn't do the actual 2 search?</p> <p>3 A. No, I did not.</p> <p>4 Q. Who did the search?</p> <p>5 A. Officer Hearns.</p> <p>6 Q. Who was the other officer there?</p> <p>7 A. There were several other officers 8 there.</p> <p>9 Q. Who was directly involved with 10 Hearns in the search?</p> <p>11 A. There were several other officers 12 present in close proximity when the search was 13 done.</p> <p>14 Q. So you don't realize that Boston 15 police regulations relative to strip search do 16 not allow any police search, strip search outside 17 the police station unless authorized by a 18 warrant, you don't realize that?</p> <p>19 MR. COX: Objection.</p> <p>20 A. No. And, again, past practice has 21 always been if you have probable cause to arrest 22 somebody you have probable cause to search them.</p> <p>23 Q. Let me read you from Section 4 of 24 Rule 318D. "Police officers are prohibited from</p>	<p>Page 42</p> <p>1 conducting a strip search outside the confines of 2 the district station unless said search is 3 authorized by a warrant." Are you familiar with 4 that passage?</p> <p>5 A. I've read it before, yes.</p> <p>6 Q. And so that makes absolutely clear 7 that you're not allowed to do a strip search 8 unless pursuant to a warrant, doesn't it?</p> <p>9 A. Well, I wasn't aware of that until 10 after the Lacey incident when it was brought to 11 my attention.</p> <p>12 Q. So are you saying now you don't do 13 that anymore?</p> <p>14 A. Again, I haven't run into that 15 situation on the street since then.</p> <p>16 Q. But you're saying you still would 17 do it again, if you ran into that situation?</p> <p>18 A. No. At this point, no.</p> <p>19 Q. So you are aware of this. But are 20 you telling me that regardless of the regulation 21 as a practice strip searches were conducted 22 without a warrant outside the police station 23 before the Lacey case?</p> <p>24 A. I can only speak for myself. It</p>
<p>1 was a case where I authorized the search to be 2 done. I don't know what anybody else on the 3 street does.</p> <p>4 Q. But you were never told 5 specifically by any of your superiors that you 6 couldn't do that?</p> <p>7 A. Not sat down and told I couldn't do 8 it, no.</p> <p>9 Q. Now, what made the Lacey case the 10 type of case where you felt you could do a strip 11 search without a warrant outside of the police 12 station?</p> <p>13 MR. COX: Objection.</p> <p>14 A. We had Mr. Lacey, members of my 15 squad and the other squad had Mr. Lacey under 16 observation for quite some time. We had a 17 confidential informant that was negotiating to 18 purchase some drugs from Mr. Lacey at that time. 19 Again, based on Mr. Lacey's actions when he was 20 en route back to the informant, we stopped 21 Mr. Lacey.</p> <p>22 There was an incident where Officer 23 Hearns was involved just a week earlier or two 24 weeks earlier where when he was stopping somebody</p>	<p>Page 44</p> <p>1 to arrest them on a warrant and he went to pat 2 them down the individual kept moving his body 3 around. When they got him back into the station, 4 they found him to be in possession of a loaded 5 firearm.</p> <p>6 Mr. Lacey was acting in the same 7 manner when Officer Hearns was trying to pat him 8 down. To prevent injuries to any officers or to 9 put a prisoner in a vehicle with a firearm or 10 weapon, I'd rather deal with that issue on the 11 street, and at that point I authorized the search 12 of Mr. Lacey.</p> <p>13 Q. Are you saying you were searching 14 for a firearm and not drugs?</p> <p>15 MR. COX: Objection.</p> <p>16 Q. You authorized the search of Lacey 17 as a search for drugs.</p> <p>18 A. That's correct.</p> <p>19 MR. COX: I should point out 20 different counsel represents him in the Lacey 21 case. So if there's going to be questions about 22 the facts of that --</p> <p>23 MR. HRONES: I understand that, but 24 it's still, you know, very much an issue, that</p>

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<p style="text-align: right;">Page 46</p> <p>1 type of search under different circumstances.      2 This isn't a criminal matter or anything.      3 MR. COX: I know.      4 Q. But that situation which you      5 encountered with Lacey happens all the time when      6 you're dealing with surveillances of addicts in a      7 high drug area, does it not?      8 A. What situation?      9 Q. Well, the general facts related by      10 you as to the Lacey situation. That's not an      11 unusual situation when you're doing an      12 investigation of somebody who is trying to buy or      13 sell drugs, is it?      14 A. Well, as Officer Hearns was      15 attempting to pat him down, every time he got to      16 a certain area around his groin area he kept      17 pulling away, and with having that thought in the      18 back of my mind about the other individual who      19 was dressed very similar to the way Mr. Lacey      20 was, I wanted to make sure that he didn't have a      21 firearm or weapon on him, and that's why I      22 authorized the search.      23 Q. Well, you knew about Lacey before      24 that, didn't you?</p>	<p style="text-align: right;">Page 47</p> <p>1 A. I knew of him, yes.      2 Q. And he'd been arrested many times,      3 hadn't he?      4 A. Yes, he had been.      5 Q. And he was a known addict?      6 A. Yes, he was.      7 Q. And you had never found a weapon on      8 him before, had you?      9 A. I never arrested him before.      10 Q. But you had no specific knowledge      11 that he had ever had a weapon on him?      12 A. No, I didn't.      13 Q. And there were several officers at      14 the scene of that search, were there not?      15 A. Yes, there were.      16 Q. So they could have easily      17 restrained him in such a way that a full pat down      18 could have been done, isn't that true?      19 MR. COX: Objection.      20 Q. If you wanted to do a full pat      21 down, it could have been done?      22 MR. COX: Objection.      23 A. That's open to argument.      24 Q. Why couldn't a full pat down have</p>
<p style="text-align: right;">Page 48</p> <p>1 been done if you, you know, had enough officers      2 to restrain the person during the pat down?      3 A. It's just not the way we do things.      4 Q. And he wasn't arrested, was he,      5 Lacey?      6 A. No, he wasn't.      7 Q. Now, have you ever done a body      8 cavity search?      9 A. No.      10 Q. Have you ever authorized one?      11 A. I've written affidavits to have one      12 done by a physician, yes.      13 Q. But it would have to be done by a      14 physician?      15 A. That's correct.      16 Q. You need a warrant?      17 A. That's correct.      18 Q. And was that true even before this      19 regulation--      20 A. Yes, it was.      21 Q. --came into being?      22 A. Yes, it was.      23 Q. It has always been true?      24 A. To the best of my recollection, it</p>	<p style="text-align: right;">Page 49</p> <p>1 has been.      2 Q. You've never done an invasive anal      3 cavity search?      4 A. No, I haven't.      5 Q. Are you aware that others have done      6 that?      7 A. Not that I'm aware of, no.      8 Q. Are you aware that one was done in      9 this case in that bathroom according to      10 Mr. Santiago?      11 A. I'm aware that one was alleged by      12 Mr. Santiago.      13 Q. And you have no knowledge as to      14 whether it was done or not, do you, in that      15 fashion?      16 A. I've heard one side of the story      17 and I've heard allegations of another side of the      18 story.      19 Q. But you weren't in that room?      20 A. No, I wasn't.      21 Q. And who was the officer who did the      22 search?      23 A. That was Officer Marcus Eddings.      24 Q. Did you ask him whether he did a</p>

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<p>1 anal cavity search?</p> <p>2 A. I know that an anal cavity search</p> <p>3 is not authorized unless you have a warrant to do</p> <p>4 it.</p> <p>5 Q. But did you ask him whether he did</p> <p>6 that type of search?</p> <p>7 A. I would have no need to ask him</p> <p>8 that because I know that he knows it's</p> <p>9 prohibitive to do it unless you have a search</p> <p>10 warrant. It is to be done in a medical facility</p> <p>11 by a trained medical doctor.</p> <p>12 Q. My question was, did you ever ask</p> <p>13 him whether he did an anal cavity search?</p> <p>14 A. No, I didn't.</p> <p>15 Q. And you say you didn't because he</p> <p>16 wasn't suppose to do it and you just assumed he</p> <p>17 didn't?</p> <p>18 A. I didn't ask him because I didn't</p> <p>19 think there was a need to ask him.</p> <p>20 Q. Even though an allegation had been</p> <p>21 made by Mr. Ivan Santiago that that had taken</p> <p>22 place and he even went down to the IAD to make a</p> <p>23 formal complaint?</p> <p>24 A. Well, that was certainly done after</p>	<p>Page 50</p> <p>1 the search was completed at the apartment, at</p> <p>2 58 Cheney Street. Upon Officer Eddings coming</p> <p>3 out of the bathroom with Mr. Santiago, I had no</p> <p>4 reason to ask him if a body cavity search had</p> <p>5 been done.</p> <p>6 Q. Now, did the officers have gloves</p> <p>7 on that day?</p> <p>8 A. I believe everybody had gloves on,</p> <p>9 yes.</p> <p>10 Q. Is that standard practice to wear</p> <p>11 gloves when you enter into an apartment to search</p> <p>12 for drugs?</p> <p>13 A. Once you're in the apartment while</p> <p>14 you're searching it's a good policy to have</p> <p>15 gloves on.</p> <p>16 Q. And what do you do with the gloves</p> <p>17 when you're through with the search?</p> <p>18 A. Most times they're discarded in the</p> <p>19 trash cans at the apartment. Sometimes we'll</p> <p>20 take them with us.</p> <p>21 Q. Is there any policy relative to</p> <p>22 where they're suppose to be discarded?</p> <p>23 A. None that I'm aware of.</p> <p>24 Q. Even today there's no new policy on</p>
<p>1 that?</p> <p>2 A. Nothing that I've seen in writing.</p> <p>3 Q. Well, what about apart from</p> <p>4 writing, has anyone informed you that the gloves</p> <p>5 should be taken with you when you leave?</p> <p>6 A. Not that I can recall, no.</p> <p>7 Q. Now, when you do a strip search,</p> <p>8 how do you go about doing it, in terms of what</p> <p>9 you tell the person who's being strip searched?</p> <p>10 A. The way I do it, I ask the</p> <p>11 individual to take off an article of clothing one</p> <p>12 piece at a time. Once they get down to their</p> <p>13 shorts, I'll have them drop their shorts down.</p> <p>14 I'll have them lift up their scrotum. I'll have</p> <p>15 them bend over and spread their buttocks, and the</p> <p>16 strip search is completed.</p> <p>17 Q. You ask them to spread their</p> <p>18 buttocks?</p> <p>19 A. That's correct.</p> <p>20 Q. And when they do that, you look up</p> <p>21 their buttocks?</p> <p>22 A. I just want to make sure that</p> <p>23 there's nothing stuck between the cheeks of the</p> <p>24 buttocks.</p>	<p>Page 52</p> <p>1 Q. So do you look up their buttocks</p> <p>2 when they spread their buttocks?</p> <p>3 A. I look to make sure that there's</p> <p>4 nothing stuck there, yes.</p> <p>5 Q. And you don't consider that to be</p> <p>6 an anal cavity search?</p> <p>7 A. No.</p> <p>8 Q. If you were to use your own hands</p> <p>9 to do the same thing, would you consider that to</p> <p>10 be an anal cavity search?</p> <p>11 A. My understanding of an anal cavity</p> <p>12 search is the penetration into the anus, not a</p> <p>13 visual inspection.</p> <p>14 Q. So you could use your own hands to</p> <p>15 pull the cheeks apart if you wanted --</p> <p>16 MR. COX: Objection.</p> <p>17 Q. -- and it wouldn't be prohibitive?</p> <p>18 MR. COX: Objection.</p> <p>19 A. Again, I don't believe that's</p> <p>20 considered an anal cavity search.</p> <p>21 Q. So you believe in order for it to</p> <p>22 be a body cavity search there has to be actual</p> <p>23 penetration?</p> <p>24 A. That's correct.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q. And where did you get that 2 definition? 3 A. That's just the way it's been 4 explained to me. 5 Q. But have you looked at the 6 regulation? 7 A. I don't think it delineates it in 8 the regulation as to exactly a definition of a 9 body cavity search. 10 Q. Doesn't it define it as a manual 11 inspection, an internal manual inspection of any 12 human body cavity? 13 A. Well, again, that would be the 14 insertion into the anal cavity, not just the 15 inspecting of the outer buttocks. 16 Q. But doesn't it define it as an 17 internal manual inspection of any human body 18 cavity? It doesn't say anything about the 19 insertion of something into the cavity, does it? 20 A. It's internal. It's beyond the 21 plane of the rectum, so it's internal. It's 22 inside the body. 23 Q. So when someone pulls their cheeks 24 apart, you're in a position to view inside the</p>	<p style="text-align: right;">Page 55</p> <p>1 person, right? 2 A. No. 3 Q. Well, inside their rectum. 4 A. No. 5 Q. If they pull their cheeks apart, 6 you can see inside the rectum? 7 A. No, you can't. 8 Q. You can't? 9 A. No. 10 Q. What do you see? 11 A. What you see is you see the hole, 12 the anus hole of the rectum. You can't see 13 inside the body. 14 Q. Well, you can see something that 15 you don't see if the cheeks aren't pulled apart, 16 right? 17 A. Yeah, but again, it's not an 18 internal inspection. It's an external 19 inspection. 20 Q. That's your opinion, right? 21 MR. COX: Objection. 22 A. That's my interpretation of it, 23 yes. 24 Q. And do you know the rules for a</p>
<p style="text-align: right;">Page 56</p> <p>1 strip search in the station house? 2 A. Yes, I do. 3 Q. And what are those rules? 4 A. Under custodial circumstances, the 5 duty supervisor is to be notified that you're 6 requesting a strip search. They make a 7 determination whether a strip search is going to 8 be conducted or not and then ensure that it's 9 noted in the police report. 10 Q. And what do they need, what 11 standard of proof do they need to do a search? 12 A. Probable cause. 13 Q. And is it your position that same 14 standard is required to do the strip search in 15 the apartment? 16 A. Yes. 17 Q. Now, was Ivan Santiago in custody 18 that night? 19 A. He was being detained. He wasn't 20 in custody. He wasn't under arrest. 21 Q. He wasn't under arrest? 22 A. No. 23 Q. You're only in custody when you're 24 under arrest?</p>	<p style="text-align: right;">Page 57</p> <p>1 A. That's correct. 2 Q. So he was just being detained? 3 A. That's correct. 4 Q. Now, did you review anything before 5 coming here today to testify? 6 A. I did, yes. 7 Q. What did you review? 8 A. I reviewed a copy of the 1-1 the 9 other day when I met with Mr. Cox as well as a 10 copy of my interview with internal affairs. 11 Q. Did you review Eddings transcript? 12 A. No, I didn't. 13 Q. Now, were you ever terminated from 14 any job? 15 A. Yeah, I was. I was fired from one 16 job. 17 Q. What job was that? 18 A. I was working maintenance at 19 Charles River Park. 20 Q. And why were you fired? 21 A. I had a disagreement with one of 22 the supervisors there. 23 Q. What was the disagreement? 24 A. I can't recall.</p>

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1 Q. He said you fell asleep on the job?  
 2 A. I think that may have been the crux  
 3 of the disagreement we had, yeah.  
 4 Q. So how many years have you been a  
 5 police officer?  
 6 A. A little over 16 years. I came on  
 7 the job in 1988.  
 8 Q. And as far as you know, you're  
 9 going to stay on the drug squad?  
 10 A. Until somebody tells me different,  
 11 sure.  
 12 Q. That's all I have.  
 13 MR. COX: I don't have any  
 14 questions.

15 (Deposition concluded at 11:01 a.m.)  
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 17  
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1 C E R T I F I C A T E  
 2 I, Maryellen Coughlin, a Registered  
 3 Professional Reporter and Notary Public of the  
 4 State of Massachusetts, do hereby certify that  
 5 the foregoing is a true and accurate transcript  
 6 of my stenographic notes of the deposition of  
 7 WILLIAM F. FEENEY, who appeared before me,  
 8 satisfactorily identified themself, and was by  
 9 me duly sworn, taken at the place and on the  
 10 date hereinbefore set forth.  
 11 I further certify that I am neither  
 12 attorney nor counsel for, nor related to or  
 13 employed by any of the parties to the action in  
 14 which this deposition was taken, and further  
 15 that I am not a relative or employee of any  
 16 attorney or counsel employed in this case, nor  
 17 am I financially interested in this action.

18 THE FOREGOING CERTIFICATION OF THIS  
 19 TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF  
 20 THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT  
 21 CONTROL AND/OR DIRECTION OF THE CERTIFYING  
 22 REPORTER.

23  
 24 MARYELLEN COUGHLIN, RPR

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1 UNITED STATES DISTRICT COURT  
 2 FOR THE DISTRICT OF MASSACHUSETTS  
 3 C.A. NO. 04CV10746JLT

4  
 5 \* \* \* \* \*  
 6 IVAN SANTIAGO, \*  
 7 Plaintiff \*  
 8 vs. \*  
 9 WILLIAM J. FEENEY, MARCUS \*  
 10 EDDINGS, AND THE CITY OF BOSTON, \*  
 11 Defendants \*  
 12 \* \* \* \* \*

13  
 14 I, WILLIAM F. FEENEY, do hereby  
 15 certify, under the pains and penalties of  
 16 perjury, that the foregoing testimony is true  
 17 and accurate, to the best of my knowledge and  
 18 belief.

19 WITNESS MY HAND THIS \_\_\_\_ day of  
 20 \_\_\_\_\_, 2005.

21  
 22 WILLIAM F. FEENEY  
 23  
 24

1 Today's Date: February 5, 2005  
 2 To: Stephen G. Cox, Esq.  
 3 Copied to: Stephen Hrones, Esq.  
 4 From: Maryellen Coughlin, RPR  
 5 Deposition of: William F. Feeney  
 6 Taken: January 10, 2005  
 7 Action: Santiago vs. Feeney, et al

8  
 9 Enclosed is a copy of Mr. Feeney's  
 10 deposition. Pursuant to agreement of counsel,  
 11 Mr. Feeney has forty-five days to sign the  
 12 deposition from today's date.

13 Please have Mr. Feeney sign the  
 14 enclosed signature page. If there are any  
 15 errors, please have him mark the page, line, and  
 16 error on the enclosed correction sheet. He  
 17 should not mark the transcript itself. This  
 18 addendum should be forwarded to all interested  
 19 parties.

20 Thank you for your cooperation in this  
 21 matter.

WILLIAM F. FEENEY  
January 10, 2005

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1	CORRECTION SHEET
2	DEPONENT: WILLIAM F. FEENEY
3	CASE: SANTIAGO VS. FEENEY, ET AL
4	DATE TAKEN: 1/10/05
5	*****
6	PAGE / LINE / CHANGE OR CORRECTION AND REASON
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